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<b>Office Action Summary</b>	<b>Application No.</b> 10/736,567	<b>Applicant(s)</b> YU ET AL.	
	<b>Examiner</b> Terri L. Smith	<b>Art Unit</b> 3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 August 2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed on 24 August 2007 with respect to claims 1–14 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

### ***Claim Rejections - 35 USC § 102/103***

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1–4, 7, 12 and 14 are rejected under 35 U.S.C. 102(b) as anticipated by Seligman, U.S. Patent 5,991,664.

7. Regarding claims 1, 4, 7, 12 and 14 Seligman discloses a first coil winding wound in a first direction (e.g., Figs. 4–5a, element 21);

at least one second coil winding in a second direction non-parallel with a first direction (e.g., element 22) and an external source (e.g., element 13); and

one control circuit (e.g., Figs. 1–3, element 31-implanted electronics package) which is capable of being a circuit board because a circuit board is a commonly used platform for implanted electronics packages and the presently claimed invention has not specified that the circuit board has to be of any specific or particular size, shape or type;

first and second coil windings are electrically connected to a control circuit (e.g., element 33-lead; column 3, line 31–32) and power is supplied to the control circuit via the power winding 22 e.g., as described in column 4, lines 5–23.

8. With respect to claims 2–3, Seligman discloses a magnetic sensor made of a ferrite core (e.g., element 20).

9. In the alternative, claims 1–4, 7, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seligman, U.S. Patent 5,991,664 and in view of Miller, U.S. patent 5,350,413.

10. Regarding claims 1, 4, 7, 12 and 14, Seligman disclose at least one second coil winding in a second direction non-parallel with a first direction (e.g., element 22) and an external source (e.g., element 13); and

one control circuit (e.g., Figs. 1–3, element 31-implanted electronics package) which is capable of being a circuit board because a circuit board is a commonly used platform for implanted electronics packages and the presently claimed invention has not specified that the circuit board is limited to any specific or particular size, shape or type.

first and second coil windings are electrically connected to a control circuit (e.g., element 33-lead; column 3, line 31–32) that supply power to a control circuit (e.g., column 4, lines 5–23) but not explicitly that it is electrical power.

However, if the power supplied by Seligman is not inherently electrical power by nature, the Miller reference discloses electrical power supplied to a control circuit (e.g., FIGS. 1A and 2; column 2, lines 1–2 and 52–62) to provide more effective power manipulation of the device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Seligman to include electrical power supplied to a control circuit, as taught by Miller because both devices transfer energy to provide more effective power manipulation of the device.

11. With respect to claims 2–3, Seligman discloses a magnetic sensor made of a ferrite core (e.g., element 20).

12. Claims 5, 6, 8–11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seligman, U.S. Patent 5,991,664 and in view of Paul et al., U.S. patent 5,697,958.

13. Regarding claims 5, 6, 9, 11 and 13, Seligman discloses the essential features of the claimed invention as described above except for two second coil axes disposed orthogonal to each other and to a first coil (claim 5) and two coil windings (claim 6) and a second control circuit (claim 9) and a second coil winding is electrically connected to a second control circuit (claim 11) and a third control circuit (claim 13).

However, Paul et al. disclose two second coil axes disposed orthogonal to each other and to a first coil and two coil windings (e.g., column 15, lines 7–11) and a second control circuit and a second coil winding is electrically connected to a second control circuit and a third control circuit (e.g., FIGS. 5 and 8, elements 146-decision circuitry and 134-coil winding when configured as in FIG. 8 represents a second control circuit and 172-sense and threshold detector circuit represents a third control circuit) all which enhance and maximize the device's ability to handle signal communication.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Seligman to include two second coil axes disposed orthogonal to each other and to a first coil and two coil windings and a second control circuit and a second coil winding is electrically connected to a second control circuit and a third control circuit, as taught by Paul because both inventions are analogous in that they have circuitry that is integral with the coils of the device to enhance and maximize the device's ability to handle signal communication.

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14. With respect to claims 8 and 10, Seligman discloses second coil windings are electrically connected to a control circuit (claim 8) and a first coil winding is electrically connected to a first control circuit (claim 10) (e.g., element 33-lead; column 3, line 31-32).

*Conclusion*

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Terri L. Smith whose telephone number is (571) 272-7146. The Examiner can normally be reached on Monday - Friday between 7:30 a.m. - 4:30 p.m..

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TLS  
September 24, 2007

24 September 2007

GEORGE R. EVANISKO  
PRIMARY EXAMINER

9/27/07